

REMARKS/ARGUMENTS

Favorable consideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-8 are pending in the application.

In the outstanding Office Action, the Figures were objected to; Claim 2 was rejected under 35 U.S.C. § 112, second paragraph; Claim 1 was rejected under 35 U.S.C. § 103(a) as being unpatentable by Archambault (U.S. Patent No. 6,567,196); Claim 2 was rejected under U.S.C. § 103(a) as being unpatentable over Lin et al. (U.S. Pub. No. 2002/0012144) in view of Guy (U.S. Patent No. 6,690,886); Claim 4 was rejected under U.S.C. § 103(a) as being unpatentable over Archambault in view of Winzer et al. (U.S. Patent No. 4,441,181); Claim 6 was rejected under U.S.C. § 103(a) as being unpatentable over Archambault in view of Novak et al. (U.S. Patent No. 6,708,002); Claim 8 was rejected under U.S.C. § 103(a) as being unpatentable over Archambault in view of Touma (U.S. Pub. No. 2004/0264956); and Claims 3, 5, and 7 were rejected under U.S.C. § 103(a) as being unpatentable over Clark (U.S. Patent No. 6,041,152) in view of Novak.

Applicants traverse the rejection of Claim 2 under 35 U.S.C. § 112, second paragraph, and note that antecedent basis for the second optical wavelength multiplexer is found in the recited phrase “a structure body of the slave rack accommodates a second optical wavelength demultiplexer...”

Applicants’ acknowledge with appreciation the personal interview between the Examiner, the Examiner’s supervisor, and Applicants’ representative on March 28, 2005. During the interview, Applicants’ representative pointed out that none of the cited references disclose or suggest a master and a slave rack configured to be coupled together. The Examiners acknowledged that dismissing the claimed master and slave rack via Official Notice was improper and therefore agreed to update their search.

Briefly recapitulating, Claim 1 is directed to an optical wavelength division multiplexing and transmission apparatus. The apparatus includes a) a master rack, and b) at least a slave rack configured to be combined with and coupled to the master rack. A structure body of the master rack accommodates a first optical wavelength multiplexer in which a plurality of prescribed optical wavelength signals of a group are multiplexed with each other and a first multiplexed signal is output, and a synthetic optical wavelength multiplexer in which the first multiplexed signal output from the first optical wavelength multiplexer and a second multiplexed signal are multiplexed with each other and a synthetic multiplexed signal is output. A structure body of the slave rack accommodates a second optical wavelength multiplexer in which a plurality of optical wavelength signals of a group having a wavelength distribution different from that of the group of prescribed optical wavelength signals multiplexed by the first optical wavelength multiplexer are multiplexed with each other and are output as the second multiplexed signal, and an optical amplifier in which the second multiplexed signal output from the second optical wavelength multiplexer is multiplied. Applicants' claimed invention allows for improved maintenance and growth of optical services.

As noted in the interview, none of the cited references disclose or suggest any equipment racks, let alone Applicants' claimed master and slave racks. The Examiner may take official notice of facts outside of the record which are capable of instant and unquestionable demonstration as being "well-known" in the art. *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970). However, as set forth in M.P.E.P. § 2144.03, if an applicant traverses an assertion made by an Examiner while taking official notice, the Examiner should cite a reference in support of their assertion. Applicants respectfully traverse those grounds for rejection relying of Official Notice. Applicants do not consider the

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features for which Official Notice were taken to be "of such notorious character that official notice can be taken."

Accordingly, in view of the present amendment and in light of the previous discussion, Applicants respectfully submit that the present application is in condition for allowance and respectfully request an early and favorable action to that effect.

Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters  
Attorney of Record  
Registration No. 28,870

Michael E. Monaco  
Registration No. 52,041

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**IN THE DRAWINGS**

The attached sheet of drawings includes changes to Fig. 1. This sheet, which includes Figs. 1-2, replaces the original sheets including Figs. 1-2.

Attachment: Replacement Sheets (1)